

1895-031  
Lee Co.

Chancery Causes: James D. Edwards vs. Thomas G. Edwards

Miles, Goslyn, Sprinkle, Preston

CA - Contract Dispute  
T. Health/Medicine  
Property

-Deed



To the Hon. W. J. Miller Judge of  
the Circuit Court of Lee County  
Virginia:

Your orator James  
D. Edwards, who humbly com-  
plaining would respectfully rep-  
resent, that about the 20<sup>th</sup> of Dec.  
1894, your orator was taken sick  
and for several weeks was  
confined to his bed at a neigh-  
bor's home, where for many  
days he is told he was not ex-  
pected to live; and so he lingered  
through the month of January 1895  
and towards the latter part of that  
month he became some what  
convalescent, in body, but through  
all that time your orator was  
unconscious of the presence of  
his friends who called to see him  
But in the later part of January  
he got so he could recognize his  
acquaintances, and his strength of  
mind was some what improved  
but he was still mentally weak  
and wholly unfit for business  
of any kind. Your orator is now  
in his eightieth year and would  
naturally recover more slowly  
than a man of younger years,  
Aside from his sickness, he  
had recently lost his wife and



had broken up housekeeping and was greatly distressed in mind; and he attributes these troubles and sickness to his broken up condition in life.

During the past year or two, at different times, your crater had told his son Thomas G. Edwards, that he would allow him, to build a house upon some convenient part of his, your craters farm, and which he was willing for him to do.

Taking advantage of this circumstance, in your craters weak, sick and enfeebled condition of mind he is informed that a few days before Feb. 1<sup>st</sup> 1895, the said Thomas G. Edwards came to Jonesville, and applied to H. C. Joslyn, a Justice of the peace to come over and write a will for your crater, but your crater had never so far as he has any recollection ever made any such request, nor had he when properly at himself ever entertained any such an idea. In pursuance with this request, the said Joslyn as your crater can bearly remember now came to the place where your crater was then lying sick, having been met on this way, by the said Thomas G. Edwards and was told your crater wanted to make a deed, and not a will, and



<sup>orator</sup>  
your <sup>orator</sup> asserts, he never entertained such  
a notion when at himself, nor did  
ever make such a request when in  
his proper mind. Any way the said  
Jeslyn came on and wrote a deed  
dated Feb. 1<sup>st</sup> 1895, conveying to the  
said Thomas G. Edwards about 90  
acres of valuable land, being  
so much cut of a tract of about  
140 acres. The land thus conveyed  
is more accurately described by a  
copy of said deed herewith filed  
marked "Deed" as part hereof.

Your orator has an indistinct rec-  
ollection of the said Jeslyn, and after  
being present on the occasion of the  
making of said deed, but did not  
then, and until shown said deed  
could not believe he had ever done  
such a thing, he does not remem-  
ber being called to sign a deed  
but thought it was only to allow  
the said Thomas to build the house  
therefore talked about.

Your orator alleges that if in his  
demented state he ever did sign  
such a deed he was wholly un-  
conscious of the same, and he be-  
lieves it was done & procured to  
be done, by undue influence ex-  
ercised over him by his said son  
for he never meant to so advance



the said Thomas over his other children and Grand children, six in all - your orator alleges that at the time he made said deed, he <sup>was</sup> mentally incapable, and in mind wholly incompetent to make a deed or contract - that the same was procured by the fraud and undue influence of the said Thomas & Edwards, and that it was well known to said Jaslyn at the time he took said acknowledgement, and to the doctor H. M. Miles then present that he was in mind wholly incapable, and unfit to make such a disposition of his property - He alleges therefore, that said deed is not his act, that he never gave his assent thereto when competent to do so.

The said Thomas & Edwards, since your orator's recovery is attempting like the unnatural, son that he is to carry out his fraud by offering to sell said land and pay claims thereto.

The object of this Bill therefore to have said deed purporting to be executed by your orator to the said Thomas & Edwards, set aside, held void and created for naught, for the reasons above stated.



To effect which he prays that  
 Thomas G. Edwards be made a  
 party defendant to this bill  
 that he answer the same, but he  
 need not do so upon oath that  
 being waived. And on a hearing  
 a decree be rendered setting aside  
 said deed holding the same  
 void, and that said Thomas G.  
 Edwards be required to re-con-  
 vey the same to your creditor.  
 And for all other further &  
 general relief may your  
 wisdom see fit.

Prolemore & Sewell

P. 9.



recovered, *Plff Costs*  
*C* 3.47  
*S* 1.50  
*Co clk* .50  
*Cour in Chy* 10.75  
*Witnesses* 4.50  
*Atty* 15.00  
*H. M. Miles* 392.2  
*et part not given* 50  
\$397.2

*Defts Costs*  
*C* .65

L.P.S.

James D. Edwards

v. Bill Chy.

Thomas G. Edwards

1895 3<sup>rd</sup> Feb'y Rules Bill  
 filed & pa. 24<sup>th</sup> & 25<sup>th</sup> Feb'y.  
 " 1<sup>st</sup> March rules taken  
 the last Monday in  
 Feb'y & N. Confirmed  
 & cause set for hearing  
 " March Term continued  
 " June Term Decree final

June Term 1895 Decree  
 final See Chy Order  
 Book Page 221



To the Honorable W.T. Miller, Judge of the Circuit Court  
of Lee County Virginia.

The answer of Thomas G. Edwards to a bill exhibited against him in this honorable Court by James D. Edwards.

Respondent says the Complainants bill is not sufficient in law to call upon him to answer in this honorable Court, and of this he prays judgement &c. And not waiving said demurrer but relying and insisting thereon, should other and further answer be required of him, answering he says; that it is true that said Complainant was taken sick sometime in the month of December 1894, but he does not recollect the exact day, and that for sometime thereafter, he was quite sick and confined to the bed at the house of one of his neighbors where he had been staying for some little while before he got sick; it is likewise true that the said Complainant remained sick during a large part of the month of January 1895, however about the middle of the month of January, as Respondent recollects, the Complainant began to improve, which state continued till the end of said month in a marked degree; it also true, as respondent believes, that said Complainant was during the early stages of his sickness partially delirious and at times unable to recognise those around him; it is further true that in the latter part of January, said ~~XXXXXXXXXX~~ Complainant got so he could recognize those around him, not only so but as respondent believes and here asserts his strength of mind was fully restored to him, and he became as fully able to attend to his business affairs as usual. Respondent does not know his fathers age certainly but supposes he has given it correctly at eighty years, and respondent supposes it to be true, that a person of that age, will regain his physical strength more slowly after a spell of sickness, than a person of younger years, but he does not know that the same rule holds true in reference to the recovery of his mental capacity, and calls for proof of this allegation. It is further true that Complainant lost his wife, by death about one year ago, that he had broken up house keeping, and Respondent naturally supposes that these facts



were matters of distress to the said Complainant, but Respondent does not know and has no means of knowing whether said distressed condition of mind, if the same existed, caused or tended to cause said sickness. Respondent says it is true that at different times in the last year or two his father had told him that he could build a house at a convenient place on the farm. This point was designated and it extended not only to the privilege of building said house, but likewise complainant told respondent that he would convey to him the land around said house and convenient thereto. Respondent denies that he took advantage of this circumstance in the weak sick and enfeebled condition of his father to have the deed made, which is the subject of controversy in this suit. It is true however that respondent did come to Jonesville and apply to H.C. Joslyn to go to the place where his father then was to do some writing for him. Respondent did so at the request of his said father, and not upon his own motion. About the last days of January 1895 respondent's father asked him to come to Jonesville and get John A.G. Hyatt to come and do some writing for him, the character of which he did not mention so far as respondent can now remember, but respondent thought or supposed that he <sup>w</sup>anted his will written. As requested respondent came and saw Mr. Hyatt, who informed him that he could not possibly go at that time. Respondent then applied to L.T. Hyatt, but was informed by him that he would be engaged on the next day and perhaps for several days thereafter in taking depositions, and the Messrs. Hyatt advised him to go to H.C. Joslyn, who was competent to do such business. This respondent did, and went back and informed his said father that he could not get Mr. Hyatt, but that Capt. Joslyn had promised to come and do said ~~w~~ writing on the next day. And with this arrangement his said father expressed himself entirely satisfied. And respondent further told his father that the said Joslyn had requested him to meet him at the river and on the next morning complainant called respondent's attention to the fact that he had agreed



to meet the said Joslyn as aforesaid, and requested him to do so. Respondent went as requested, met the said Joslyn on the way, and accompanied him back to the place where the complainant was staying, and there said deed was made. Respondent does not ~~know~~ <sup>amount</sup> know the land in said boundary as described in said deed, there may be ninety acres, and there may be less. Nor does respondent know accurately the amount of land owned by his father; but he alleges that it is much more than one hundred and forty acres. Respondent denies that said complainant was unconscious of the fact of the making, signing, and executing the said deed. On the contrary he believes and here asserts that he was fully at himself, and as capable of transacting his business as he ever was since respondent has known him. Respondent here asserts and charges ~~that~~ the complainant knew the property he was disposing of; that he was fully conscious of the manner in which he was making said disposition, and ~~that~~ he knew equally well the person to whom he was making it. Respondent denies that he procured said deed to be made by undue influence or otherwise. Upon the other hand he asserts that said deed is the voluntary intelligent and predetermined act of his father when he was both mentally capable and fully competent to act. He denies the fraud so glibly imputed to him by the complainant, and he further asserts that in going after some person to do the writing for his father, he was doing the bidding of that father, and that when he met the said Joslyn on the next morning, he was likewise acting at the request of his said father. And respondent avers that on the evening after said deed was made the complainant told others of the fact ~~that~~ he had made said deed, described to them the boundary conveyed, and expressed himself fully satisfied therewith; and that he remained in that condition until several days thereafter, when acting upon the importunities and over persuasions of others of his children, he brought this suit to annul an act which he did of his own free will and accord, and with a perfect understanding of what he was doing. Respondent denies that he ever made any attempt to sell said land



, but he does lay claim thereto, and he believes his claim to be just, one which ought to be maintained, and which will be maintained if the facts can be brought to the attention of your honor as they really exist. And now having answered said bill, and herein expressly denying every allegation not hereinbefore admitted and explained or denied, he prays to be hence dismissed with his costs.

James H. Ryan p. q.



Thomas G. Edwards.

ads  Answer.

James D. Edwards.

Duncan & Hyatt, p. d.

Filed in open Court  
The 14<sup>th</sup> day of March  
1892. A B Munsey  
Clerk







James D. Edwards

} Decree  
Final.

Thomas G. Edwards

June 7. 1895

Entered in  
Chancery Order  
Book & Page 221

Enter this  
June 1895.

Cost of this suit - and no  
further action being necessary  
this cause, is stricken from the  
docket, with leave to either party  
to reinstate the cause, for the pur-  
pose of enforcing this decree -



The depositions of H. M.  
Miles and others taken before  
me, A. B. Munsey commis-  
sioner in Chancery for the  
Circuit Court of Lee County  
Va, pursuant to notice  
hereto attached, on the 27<sup>th</sup>  
day of February 1895, returned  
by Counsel of parties from  
the law office of A. L. Pickens  
in the town of Jonesville Va  
to the Circuit Court Clerk's  
office of Lee County, and which  
are intended to be read as  
evidence on behalf of  
James D. Edwards in a certain  
suit in Chancery now pending  
in the Circuit Court of Lee  
County Va, wherein the said  
James Edwards is plaintiff and  
Thomas G. Edwards is de-  
fendant.

Present Pickens returned for  
plff. And C. T. Duncan for  
def & also the defendant  
H. M. Miles, a witness of  
lawful age after being  
first duly sworn depose  
and say.

First by plff

State your age, profession  
or occupation in the



Ans. My age is 26 years. my Profession is that of a practicing Physician & Surgeon. place of residence so fonsville Lee County Va.

Ques 2. Please state whether or not, you attended in your professional Character, on the p<sup>l</sup>ff James D. Edwards in his sickness from about Jan 1<sup>st</sup> 1895, up to and including Feb. first of the same year, If you answer you did, then please state the nature of his malady if he had any, his bodily Condition, and mental state especially his mental Condition on Feb. 1<sup>st</sup> 1895, the day when he is alleged to have executed a deed to Thomas G. Edwards the defendant.?

Ans.

I did attend him during said period. He was suffering with La Grippe & chronic Diarrhea. He is about 78 or 80 years of age, and is quite feeble. His mental state during his entire illness was weak. He was delirious during the entire time when I was there.

Ques 3. Was you present on the day



Feb. 1<sup>st</sup> 1895; at the time when the deed  
called deed was made, if so that  
was his mental condition at that  
time, was it such that he was  
capable to transact that or any  
important business, intelligently?

(I decline to answer the foregoing ques-  
tion unless I am paid the compen-  
sation properly due to an expert wit-  
ness deposing to his professional  
knowledge 14 M miles M.O.)

We agree that the Circuit Court may  
fix the compensation due on miles  
under the law if he will so an-  
swer the question. *Prudential Insurance Co.*  
C. J. Edwards & Co.

Ans.

I was present at the time the  
deed was made. At that time  
he was delirious, and I do not  
think he was competent to transact  
important business intelligently.

Cross examined

1 Give me date when Mr Edwards was first  
told he sick, or if you cannot give that date  
state when you first called in to attend  
him as a physician?

Ans. I first visited him on Dec 23<sup>d</sup> 1894

2 How long did you continue to visit him,  
give the date of each visit?

Ans. I visited him on Dec 23<sup>d</sup> & Dec 30<sup>th</sup> 1894  
and Jan 8<sup>th</sup> & 16<sup>th</sup> & Feb 1<sup>st</sup> 1895



3. Had him under treatment since  
Was February 1st 1895 the last time you  
visited him professionally?

Ans. It was.

4. You say in answer to a question above  
that you "have had him under treatment ever  
since", what kind of treatment, if sending him  
medicine, how often how you sent it and for  
what disease how you have been treating him?

Ans. Tonic treatment. I have sent him  
medicine every few days, can't say  
just how often. I have been treat-  
ing him for the after effects of  
La Grippe & chronic Diarrhea.

5. Who was present beside yourself on the 1st day  
of February 1895, when said deed was executed?

Ans. H. C. Joslyn, W. D. Sprinkle, Thos. J. Ely,  
Thos. Edwards, Dora Prestons wife, Bill  
Wilson & wife & Mr. Sergeant.

6. What time did you get to where Mr. Edwards  
was staying on that day?

Ans. About 10 or 11 o'clock A.M.

7. Where did you find him, in the bed or sitting up,  
Ans. In the bed.

8. How long did you stay there that day?

Ans. About 2 hours.

9. Did Mr. Edwards get out of bed while  
you were there, and if so state for  
what purpose and how long he re-  
mained out of bed.

Ans. He did. To make his mark on the deed.  
Was out of bed only a very short time.



10. Did he talk any while you were there, if so what did he talk about?

Ans. He did talk, & about the land he was conveying, his disease, &c,

11. What did he say about his disease?

Ans. He said he was improving.

12. That was a fact was it not?

Ans. In some respects he was, in others he was not.

13. Was the defendant Thomas G. Edwards present when said deed was made.

Ans. He was.

14. On that occasion did the said Thomas use any improper or other influences to cause his father to execute said deed if so what were they?

This question is objected to, because the witness can only tell what occurred not draw inferences.

Ridgmore Russell

Ans. I saw no actions of Thos. G. Edwards, only heard him talking as to how he would manage the land; build a house and take his father to live with him.

15. Was any other of the said complainant's children present on that day?

Ans. Not while I was there.

16. You say in answer to one of the questions propounded to you in chief that Mr. Edwards was delirious on the day said deed was executed, please tell in what respect he



was delirious, what he did and said to make you think so, tell all about it?

Ans.

In describing his land he persisted in having it located on the ~~west~~ side of David Preston's house, when in reality it lays on the East side. He also spoke of conveying 15 acres when he was conveying 90 acres, and in describing his condition he misrepresented it. Also said he was taking his medicine when I was informed by Thos. G. Edwards and others, ~~said~~ he would not take a part of his medicine.

17

Did he at any time say that his lands lay on the West side of David Preston's house, using that language.

Ans.

I don't know that he used that language, but pointed in that direction and spoke of it being just out there at the same time pointed toward the west.

18

At the time he spoke of it as being "just out there" and "pointed in that direction" was he sitting or lying down, if so in which direction was he facing, and was he in the house or out of door?

Ans.

Part of time he was laying down and part setting up in bed & his face was turned toward the west. He was in the house.

19

You say he spoke of "conveying 15 acres



when he was conveying vicinity across  
when did he use this language, in what  
connection was it used tell all about it.

Ans. He spoke of the 15 acres three or four times  
and was corrected by Thos. J. Ely who told  
him, it was 90 acres. I don't mind  
in what connection it was used.  
During the time the deed was  
being prepared.

20. On the same day this deed was executed and  
after it was executed, did you not in a  
conversation which you had with Henry  
Collins, and in this County and near where John  
H. M. Ely was boring a house well, tell the  
said Collins, that Mr Edwards was as  
much in his mind at the time he made  
said deed as you ever saw him, if you  
did not tell him that please tell all you  
did tell him?

Ans. I did not tell him any such a  
thing. I have no recollection as  
to what I told him except that  
I told him I thought he perhaps  
would get up, and be able to  
go about.

21. On the same day and at or near the same  
place did you not tell Alexander Smith  
and perhaps others there that Mr Edwards  
had made a deed to his son Thomas, and  
did not ~~not~~ said Smith ask you, if you  
thought said deed would stand and did  
you not tell him that you thought it would?



That you thought Mr Edwards was fully  
in his mind, or words of that import  
and if you say you did not, then tell  
what you did tell Mr Smith?

Ans.

James E. Under-  
fer 2 days 1.00  
W. S. Oxford  
2 days 1.00

Mr. Smith did ask me how Mr. Ed-  
wards was. I told him I thought he  
would perhaps get able to go about.  
He did not say one word about  
his mind, or whether the deed  
would stand or not, but remarked  
that "Squirrel-head" would soon  
it in, less than two years, to  
which I agreed. There was no other parties present, ex-  
cept Henry Collins passed by with a  
wagon & stopped & asked me about  
Edwards, but never said anything as  
to his mind.

I told Mr. Smith & Henry Collins that  
Mr. Edwards had made a deed to Thos. G.  
Edwards, and they, or one of them,  
remarked that they had understood  
he was to make a will.

I never said as to whether the deed  
would stand

22. As Mr Edwards attending physician  
why did you allow him to execute a deed  
in your presence when you believed  
him incompetent to transact business?  
The foregoing question is excepted to  
because the attending physician has  
no such control of his patient - and  
the question is immaterial to the issue.

Ordinances & Laws



Ans. I did not consider it my business to interfere.

23. Did Mr Edwards at the time show to whom he was conveying said land?

Ans. I can't say.

24. While Capt Joslyn was preparing said deed and before it was executed did you inform him said Joslyn, the said Thomas Edwards or the said James J Edwards that the said James J. was not in a mental condition capable of making a valid deed?

Ans. I did not. As we were leaving David Prestons I told Capt H. C. Joslyn that I did not consider Mr. Edwards's mind in a normal condition.

25. Why did you tell him this afterwards and not before said deed was executed?

Ans. He asked me if I thought the old man's mind was right.

Re Examined in Chief.  
Is it not a fact that the after-effects of La Grippe, is ~~usually~~ accompanied by mental aberration and was that not the effect in this <sup>case</sup> as gathered, as well from your medical examination, as from Mrs Edwards' conversation and act in general.

The foregoing question and any answer thereto are offered to as evidence.



So over there is no evidence that Mr Edwards was suffering from after effects of grippe, and because said question is an in chief and if asked at all should have been asked in chief & thereof because it is leading.

Rem can & Hyatt for  
S. 1. 7.

W. 1.

It is a fact that mental aberration is sometimes a sequel of La Grippe, and I think this was an effect in this case. My reasons for so thinking is that from the beginning of his sickness he was delirious, and his mind was wandering, He would often talk wild, and get out of bed, talk about things that had happened long ago &c And further this deponent saith not.

subscribed  
J. M. 1/2  
May 22nd  
24th  
4th

H. M. 1/2

James D Edwards another witness of lawful age deposes and says.

Quest 1. Are you the person in this case against your son Thomas G. Edwards about as stated to your name? If so state your age, occupation and residence?

Ans I am. My age is nearly 80 years. Occupation is that of a farmer. My place of residence is Lee County Va.



Q.2 State whether or not you  
was during the last winter  
quite sick and if so at  
whose house were you?

Ans. I was very sick and out of my head  
and had no knowledge when Christmas  
came. I was at the house of David Preston.

Q.3 I now show you a copy of  
a deed, dated Feb. 1<sup>st</sup> 1845  
and ask the Commissioner  
to read it to you, please  
state whether or not you  
remember to have made  
that deed?

Ans. I have heard the deed read, and  
do not remember having made such deed.  
I got up once after the thing was all  
over and David Preston had to help me back  
in the bed. I had not been out of the house  
for a month.

Q.4 Are you, an unlearned man  
or can you read and write?

Ans. I am unlearned and cannot either  
read or write.

Q.5 This deed purports to convey  
to them 90 acres  
of land, how many acres  
have in all?

Obj. - To be more immaterial

Simon & Hyatt

Ans. I cannot tell just how much land  
I have. I think I have about 140 or 150



at  
Just 5. The deed also say in con-  
sideration of natural love  
& affection and one dollar.  
Have you any more love  
for Thomas G. than the others  
and how many more chil-  
dren have you?

Objection because immaterial

Bureau & Hyatt

Ans. I have five living children and  
some grand children. The children of  
a deceased daughter, I aimed to do  
the thing that was right and make them  
equal all around.

Just 6. How long was it after the  
supposed deed was made  
was it before you learned  
the fact and did you then  
remember to have made  
it?

Ans. I did not know anything about  
making the deed until after I was told  
about it afterwards.

Just 7. After you learned, that  
Thomas G. Edwards claimed to  
have a deed, state whether  
or not you sent for him  
and whether or not he came  
and whether or not, he said  
Thomas G. Edwards did not  
in the presence of Green  
or Ford or others, agree to destroy  
said deed & agreed to have the land?



(13)

Ans. I did send for him, and he came, that is I sent for Oxford and while he was there Thomas G. Edwards came along. And Thomas said in the presence of Oxford that he would give the deed up. and I have no more of it.

July 8. Taking the deed as recd before you, what is the value of the land conveyed to Thomas Worth and what the residue after that is taken out?

Objection to because immaterial

Sumner & Hyatt

Ans. I very nearly ruin my farm it runs through the heart of my <sup>cleared</sup> land. I consider the land that Thomas would get would be as well worth \$25.00 per acre as the residue would be worth \$10.00 per acre.

Aug 9. What is the Constitution of your health now as compared with Feb. first last? Are you better or worse?

Ans. I am better now than I was then, but I am still weak, and hardly able to get on my horse, my appetite good.

Cross-examined

~~Who first told you, you had made~~

~~and had~~

Ans. I believe it was Sargent who lives on my land and leases this.



2 When did they tell you about it? The same day or some days after.

Ans They told me about it the same day in the evening after they returned back to town.

3 Who was present when Miss. and Sargent told you that you had made a deed to your son Tom for part of your land?

Ans I do not recollect now, there was so many running in and out to see me. My son James come up next morning and told me that I had made the deed for 90 acres running through my farm and <sup>leaving</sup> a part of it next to the river where I could not get to it. Beginning at a stake at the Whisker house and running down to the river and back to the stake.

4 Do you remember Joselyn being at the place where you were sick?

Ans I do, we had some conversation together.

5 Do you remember of Joselyn doing some writing there that day?

Ans, he was sitting by the Sewing Machine I don't know what he done. I cannot read writing and I was not able to get up to see.

6 Did you not get up while he was there?

Ans. I got up once that day. I do not know whether it was while he was there or not.

7 How comes it that you remember



getting up once that day when you saw  
not remember anything else that then  
occurred?

Ans. My bowels pushed me out.

8 Do you remember signing any paper  
while Joslyn was there that day?

Ans. I do not, if I signed any I have  
no knowledge of it.

9 Do you remember Rosa Sargent May  
Smith Alexander Smith & William McLean  
being at David Preston's on that day after  
said deed was signed?

Ans. I do not. I have no recollection  
about it.

10 Had you not before you got sick  
intended to convey to your son Lane  
some of your land and had you not  
told Lint Stewart and Hattie Lewis  
and others that you so intended?

Ans. I did intend to lay him off a piece  
of land and fix him a home. but he dashed  
off <sup>with</sup> Squirrel head and had a deed made  
for about ~~90 acres~~ <sup>about</sup> all of my land, un-  
known to me. He had ~~wrote~~ <sup>the deed</sup> to Jesse to  
come down and see the land layed off  
and make an equal divide of it.

11 How do you <sup>know</sup> he got Squirrel head, and  
had a deed made for <sup>90 acres</sup> ~~about~~ all <sup>this cleared land</sup> you had  
if you can not remember about making  
said deed?

Ans. Squirrel head had impudence to tell  
me so afterwards.



12 What did squirell head tell you?

Ans. He told me that he had laid off Thomas 90 acres beginning at the river and running up the hollow to a stake at the Chesier house.

14 Did Squirell head tell you that he had laid off that piece of land to your son Thomas.

Ans. Yes he said he had give it out.

15 When did he tell you that and who was present when he told you.

Ans. He told me about it the next week here in town. he told me I was mighty bad and had no recollection, and he made his brags and said he believed I was fool enough to have agreed the whole farm if he had told me to. I do not know who all was present I dont think any one was paying any attention to what we was talking about.

16 Who was present when Thomas agreed to give you up said deed?

Ans. Green Oxford was present and I thought my son James was, but he says he was not. I dont remember just who was there.

17 How long after said deed was made was it that Thomas agreed to deliver up said deed to you.

Ans. It was about five days afterwards.

18 You state in your bill in this case

"that you do not remember being caught



(17)  
to sign a deed but thought it was  
only to allow the said Thomas to build  
the house therefor to build about what  
do you mean by this, if you did not  
and do not remember signing any paper?  
This question is objected to be irrelevant  
irrelevant

Ans. ~~That next~~ I thought that it was to build  
away back in the  
back side of the farm there had been  
a house back there.

19 Then you do remember signing some  
paper, do you?

Ans. I do not.

20 Did you send for any person to come  
and do some writing for you while  
you were sick?

Ans. I did not.

21 Now you do that you have this  
day given a Disposition?

Ans. I suppose I have. I have been  
striking at it.

22 When did you lose your memory?

Ans. About five days after I was taken  
sick. I was taken very ill.

23 Did you ever lose your memory?

Ans. I lost it at that time, and it is  
not as good now as it was before.

24 What is your age?

Ans. Nearly 80 years.

And further this deponent says not  
James <sup>no</sup> Edwards  
mark



David Preston an ather  
witness of lawful aff  
deposers & says, after being  
duly sworn.

Please State your age  
occupation & residence?

Ans. My age is about 49 years. My  
Occupation is Farmer & laborer. My place  
of residence Lee Co Va.

Inter 2 Are you the name David  
Preston at where there James  
D. Edwards lay sick from  
sometime in Dec. 1894 up to  
some time in the present  
month of Aug. year?

Ans. I am.

Inter 3 Was you at home on Feb.  
1<sup>st</sup> the present month when  
Capt. H. C. Joslyn Dr. Miles  
and others were at your home  
the <sup>day</sup> a deed was said to have  
been made, by said James  
D. Edwards to his son Henry  
G. Edwards?

Ans. I was.

Inter 4 Then please state all you may  
know as to the condition the said  
James D. Edwards on that day  
and for several previous days  
last of his mind and body.  
State any facts in connection  
therewith?



Ans I helped to wait on him. I think he was  
Sick he talked very curious. I went into  
his room to carry him some wood.  
He raised up in the bed and looked  
around at me, and he said Dave I  
have a secret to tell you. I says  
have you and he said that I just  
bless your soul I just found out  
where I was at. I didnt know where  
I was at till this evening. I was  
looking out at the window and went to  
the door and found out where I was at.  
He was setting up at the time he was  
talking to me, but had been laying  
crossways on the bed. he had been  
mighty flighty during his sickness  
and for two weeks or ten days he didnt  
seem to know any body. At one time  
I tried him some time before the 1st of  
Feb. There was some ladies there at  
one time some Miss Sargents & Lawsons.  
I took down the lamp and asked him  
if he knew these ladies and he said  
he did not know any of them and they  
were persons who are among his nearest  
neighbors and with whom he had lived  
before he came to my house.

Ques 5. Is it not a fact that for some  
two week before Feb. 1<sup>st</sup>, that  
the old man was so sick that  
for several days, he was  
not expected to live, but  
was day expected to die?



ans Yes for fully two weeks. and they had  
fixed out a time for him to die saying  
he could not live longer than <sup>that</sup> ~~that~~  
that time.

Q. 6 How long have you known  
Mr Edwards and how long have  
you lived near him?

ans I have been living in sight of him  
for 16 or 17 years and know well.

Q. 7 Judging him by what you  
knew of him before he got  
sick, and considering his  
condition for two weeks or  
more before Feb. 1<sup>st</sup>, and on  
that day, would you say  
on that day he was ca-  
pable of transacting business  
on that day safely for him-  
self or with intelligence or not?

ans I don't hardly think he was. That is my  
opinion about it. My judgment is that  
he was not capable of transacting business  
if examined

1 At what time was Mr Edwards  
taken sick?

ans I don't know exactly at what time but it was  
some days before Christmas. And in about two  
weeks, or not quite so long he got delirious.  
he was delirious off and on for several days.  
Some days he would have a tolerable fair  
mind and other days he would look up at  
the wall and say look at the rats running ~~up~~



(21)

down the wall to the Chest. I had not seen a rat about the house for two or three years. He continued in this way off and on until some 8 or 10 days before he got up.

2. How many days after said deed was made till he got up?

Ans He got up that evening, and staggered into the other house, ~~I think~~ ~~James~~ ~~confined~~ he was confined to his bed some two or three days afterwards and probably longer.

3. Do you know who requested Thomas & Ed words to go and get some person to do some writing for his father, if so please state who it was, how it came up and all that was said about it?

Ans I cannot tell, do not know.

4. Did you ever hear James Edwards before said deed was executed, say anything about giving his son Tom any land, if so please state what he said and when it was?

Ans I heard him say he was going give him a piece of land to build a house on. That he was going fix him off a house seat. I heard him say that when he first came to my house, and that was along in October some time, and also while he was sick.

5. Did he name the place where he was going to give him the house site, if so where was it, and did he state how much land he was going to give him with the house site?



ans. He did name the place it was over ~~where~~  
~~Abshier~~ where a house had once been  
where there was a spring near this <sup>over</sup> back of  
where the Abshier house formerly stood,  
and one hundred fifty or two hundred yards  
therefrom, he said something about Tommy  
clearing up the hollows back there. <sup>he</sup> said  
it was mighty rich land and that Tommy  
must pay him the third. he did not say  
anything about the number of acres. This  
6 place is inside of the boundary described  
in the deed made on the 1st day of Feby.  
1895.

6. Now you present when Capt Joslyn wrote  
said deed and when Mr Edwards sign  
ed it?

ans. I was in and out of the house very often during  
the time, and I think I saw him sign the deed.  
I heard Mr Edwards talk some ~~while~~ while Capt  
Joslyn was there.

7. Did he talk sensibly or otherwise, and  
please tell what he was talking about  
and what he said?

ans. I do not remember what he said. I did  
not pay any attention to what he was saying.

8. You say in answer to question <sup>14</sup> of  
your direct examination that on Feby  
1st 1895 James Edwards was not in  
your judgement capable of transacting  
business. What did he do or say on that  
day that makes you think so?

ans. I have already answered this question.



~~Ans~~ Substantially in <sup>my</sup> answer to question six  
 and that was all that made me think so.  
 And further this deponent saith not.  
 witness  
 2 days 10d  
 David <sup>his</sup> Preston  
 mark

W P. Sprinkle an other wit-  
 ness of lawful age after  
 being duly sworn deposes  
 and says:

What is your age res-  
 idence residence and oc-  
 cupation?

Ans. My age is 46 years Residence Lee Co Va  
 Occupation Farmer and <sup>at</sup> present hold the  
 office of Constable and Deputy Sheriff.

2. 2 Are you acquainted with  
 James D. Edwards if you  
 say yes state how long you  
 have known him?

Ans I am acquainted with him, have known  
 him for 15 years or more.

2. 3 Was you at the house of  
 David Preston, on Feb. 1<sup>st</sup> 1895  
 where the said Edwards then  
 was sick, and on which  
 day it is said he made  
 a deed to his son Thomas  
 Edwards, and did you  
 have any conversation  
 with said Edwards or hear  
 him here to others.



Ans I was there on that day, I had a conversation with him myself and heard him have a conversation with others.  
24 From your knowledge of him previous to that day and from what you then saw and heard, would you say his mind was or was not in a condition to intelligibly make a deed or transact other important business.

Ans I thought he was not in a condition to transact business.

X. Examiner

1 15 Why did you think so?

Ans I thought from his talk

2 What was his talk, which induced you to think him incompetent to transact business what did he say?

Ans He couldn't tell what land he wanted his deed to cover - he could not tell the lines. I couldn't tell you what he said

3 In what particulars was he unable to tell what land he wanted to convey?

Ans He seemed that he wanted to make a beginning down at the river on Ely's corner, but he could not go on & tell the lines around how he wanted the lines to run, or he did not do it.

4 Was it his inability to describe said land



or the inability of you and others to understand how he described the lines?

Ans. I could not understand from him what he wanted.

5. You state you had a conversation with him what was it about, and did he talk intelligently or otherwise?

Ans. I was talking to him about a little debt I had in my hands against him for collection. Part of the time he talked sensible & part of the time he did not.

6. What part of said conversation about said debt had by Mr. Edwards was not sensible, tell what he said?

Ans. I can't tell all what he said. He would talk about it for a little while & then branch off on something else. I don't believe I can remember anything he said.

7. ~~At that time I had a small debt~~ against him for collection & I named it to him. He told me at that time that his son Jim was to pay it or that he thought he had paid it. I do not remember which. That he had paid Jim to pay it.

8. At the time said debt was being prepared and at the time it was signed did you think about Mr. Edwards being incompetent to make a deed, or how great that opinion has been since



formed by moving the matter discussed.  
Ans. I had that opinion of him while  
H.C. Jodun was writing the deed.

9. Thus if you at the time thought him to be  
incompetent to make a deed why did you  
sign said deed as a witness

Ans. I just happened to be present & they  
asked me to sign it & I did  
so.

10. Who asked you to sign said deed as a  
witness.

Ans. I don't remember any one at this  
time except Thomas J. Ely.

11. Did you when you signed said deed as a wit-  
ness tell the man who asked you to sign it  
that Mr Edwards was incompetent to transact  
business, or anything of the kind?

Ans. I did not.

12. Did you have a conversation with Mr Ed-  
wards on that day on any other subject  
except the debt you had for collection against him

Ans. I think I did, but I don't remember  
what it was at this time.

13. In that conversation was there anything that  
he said or did which caused you to think  
him incapable of attending to business, if  
so state what it was?

Ans. I don't remember anything he said  
outside of that debt. I don't remember  
whether anything was said or done by  
him in this <sup>2nd</sup> conversation which impressed  
me or not.

14 Was not this second conversation about his grand daughter the wife of Geo M Blanshenship, your neighbor?

Ans. I think not.

15 Did not you and him have a talk about Mrs Blanshenship, his grand daughter and in that conversation did he not talk about his health &c.

Ans. If he did that day I don't remember it. He spoke to me about her while he was sick, sometime before this day.

16 Did you see any thing like delirium in Mr Edwards on the day said debt was made if so please explain all about it.

Ans. He seemed very flighty in his talk. It seemed that when he commenced telling what he wanted his deed to cover that he couldn't or didn't do it. This was about all. I ~~could have~~ did consider his talk about the debt a little flighty & scattering.

17 In your answer to the former question of his talk about the debt, did you not tell all he said. and if so will you point out what part of that conversation was, in your opinion flighty?

Ans. I don't think that was all he said about the debt. He went on & talked more. I might tell what part was flighty if I remembered



all he said about it, but  
I don't remember all of the  
communication.

And further this person  
said not.

W.P. Sprinkle

H. C. Jaslyn another witness of lawful age after being duly sworn deposes and says.

Q. 1 Are you the same H. C. Jaslyn who as Justice of the Peace took an acknowledgment of a deed from James D. Edwards to Thomas G. Edwards dated Feb. 1<sup>st</sup> 1895?

Ans. I am the same H. C. Jaslyn J. P. who took the said acknowledgment.

Q 2. Please state, how you came to do so, who came after you, detail all that occurred on that day in reference thereto especially what Thomas G. Edwards said & done?

Ans. About one O'clock on the 31<sup>st</sup> day of January 1895. Thomas G. Edwards met me between my house and Jonesville and told me that his father James Edwards wanted me to come to Dove Prestons house where he was staying and fix up some papers for him, and from what Thomas G. said I took it that James Edwards wanted to make his will. I told him I would come the next day if he would meet me at the Ford of the river at Offacks Ford, the next day Feb 1<sup>st</sup> 1895. I started in company of H. M. Hibbs, M. S. and others and was met before I got to the



river by Thomas G. Edwards who went with us to David Prestons where James Edwards was then staying just before we arrived at Prestons. Thomas told me that his father was going to make a deed instead of a will.

2 3. Please state if you wrote the deed at David Prestons house, if you answer you did, state who gave you the information, in reference to the boundaries of the land, state as near as you can, all that James Edwards said and all that Thomas G. said in reference thereto?

Ans. I did write the deed at David Prestons house. In regard to who gave me the information I must say that James Edwards, Thomas G. Edwards and Thomas D. Ely all joined and assisted in giving me the facts and bounds of the land that I was to write the deed for.

Ques 4. Please state whether or not James D. Edwards recognized the location of his land or did he not point to it as if it were west of where he was lying, when in fact it was east or nearly so?

Ans. In talking of the boundary and where the lines were to run James Edwards said he wanted the line

To ~~run~~ Commencing at the river at  
a corner of J. M. M. Ely's land and  
running up to an open field where  
James Edwards said he wanted to  
make a corner and then to run  
so as to include the old Ashmun  
House site and orchard but  
during the time I was writing  
the deed James Edwards would  
point to the west as where  
the land laid when in fact  
the land laid to the east of  
where we were then.

Q. 5 If James D. Edwards had been  
left alone surrounded by Thomas G.  
Edwards and, and Thomas J. Ely or  
some one else, and you had  
been a stranger, would his des-  
cription alone have been an  
intelligible one?

Ans I hardly think I could have written  
a proper deed if James Edwards  
had not been assisted in the  
matter.

Q. 6 How long have you known James  
D. Edwards?

Ans I have known him intimately for  
twenty three years.

Q. 7 Judging him by what you  
know of him; taking into  
consideration his age, and weak  
constitution at that day, would



your attention is called strictly to it  
would you say he was or was  
not competent mentally on that  
day to enter into to contract, make  
trades and deed, with that de-  
gree of intelligence, necessary to  
important transactions?

The foregoing question and any  
answers thereto are objected to because  
it calls for an opinion of the witness  
who is not an expert on such matters, and  
because irrelevant immaterial &c

Duncan & Hyatt.  
Att.

Ans.

I have regarded James Edwards for  
several years as "Cranky", and if  
I had been called upon five  
years ago to say as to his competency  
to make contracts of much importance  
I would have been compelled to  
say that I did not consider him  
exactly right, and now that the  
matter has been called to my  
attention so forcibly I am now  
of the opinion that on the day  
he made the deed he was  
not exactly competent.

Cross-examined

At the time you wrote said deed and  
took the acknowledgment to the same  
did you think the said Edwards was  
incompetent to make said deed.

Ans. I did not think any thing about his competency or incompetency, I was called on to go there, and do the writing supposing that every thing was all right. And the only thing that attracted my attention and made me think any thing was wrong, was his pointing to the west for the location of his land, when in fact said <sup>land</sup> lay east, he seemed to be turned around. I did think much about his competency or incompetency on that occasion, I simply done what I went to do and left.

2. When he was pointing to the west for his land was he in the house or out of doors, and were the doors open or closed?

Ans. He was in the house. I cannot tell whether the door was open or shut.

3. At the time he was pointing as above stated by you was he sitting up or laying down, facing east or west?

Ans. He was sitting up on the side of the bed facing the west.

4. The pointing done by him then was simple in front of him, was it not?

Ans. I think it was. I did not know but what his land layed over in that direction until ~~he~~ or some one told me that he had no land in that direction.

5. When you got there that morning did you tell him what you had come for, if so what did he say?

Ans. He seemed to know that I came there to do



Some writing. And I think it was he that told me he wanted a deed.

6. Who gave you the beginning corner, as it is written in the deed?

Ans. I am not exactly certain, but I think it was the old man himself. He wanted to begin on J. W. M. Ely's corner on the river.

7. You say in answer to question 5. "I hardly think I could have written a proper deed if James Edwards had not been assisted in the matter." Now I will ask you if in your experience in writing deeds by natural calls alone you do not find it very difficult to get from any person an intelligent description, and did you experience any more trouble in this case than you ordinarily do under similar circumstances?

Ans. I have found it very difficult at times to get proper calls and courses, unless I have the calls of a surveyor to go by. In this case I had very little trouble as the parties present seemed to know all about the land and its boundaries.

The above question & answer are objected to be cause immaterial.

Pridmore & Sewell.

8. I see in said deed that Mr Edwards reserved to himself his lifetime interest in the land conveyed, at whose direction and request was that provision put in?

Ans. Thomas G. Edwards was the first to speak of it, and James Edwards also spoke about it, and after I had written the deed and read it to him, he seemed to think it was not in and asked me about it and I read it over to him and when I had done so he seemed to be satisfied.

9<sup>th</sup> Did you see anything in the acts conduct or talk of James Edwards on that day that went to indicate that he was then less able to attend to his business than he has been for the last five years if so what was it?

Ans. The only thing that I noticed unusual was his thinking his load layed in the wrong direction. he was weaker than I had ever seen him, but he having been so sick he was much better than I expected to find him.

10 Did you see any symptoms of delirium in Mr Edwards on that day if so state what they were.

Ans. I did not notice anything peculiar except his weakness.

11 Did he know which it was he was executing, a deed or will.

Ans. He seemed to know. in fact he told me he wanted to make a deed.

12 Did he know to whom he was conveying



The land described in said deed?

Ans. He seemed to know all about it.

12. Please state if Thomas G. Edwards  
Thos. J. Ely (commonly called Durnel  
head) or any other person exercised  
or attempted to exercise any improper  
or coercive measures to get James Ed-  
wards to make said deed if so please  
state what they were?

Ans. I did not notice anything of the kind  
except both T. G. Edwards and T. J. Ely.  
both assisted in giving the calls  
for the deed, and locating the lines  
of the same.

13. Did they do that in an accommodating  
way and as a matter of kindness, or for  
the purpose of influencing his mind  
to do that which Mr Edwards did not  
want to do.

This question & answer is excepted  
to P. S.

Ans. They seemed to be doing it to assist  
Mr Edwards in fixing up the lines.  
I cannot say whether or not they  
had any improper motives in  
their assistance.

14. Did Mr Edwards at any time change any  
line of said boundary at the request or  
direction of either Thomas Edwards or  
Thos. J. Ely. if so state what line he so  
changed.

Ans. He did not change any of the lines.

at the suggestion of any one except,  
in the call "North west," I think at  
the suggestion of T. J. Ely it was  
changed from North to North west,  
Thinking that North would not make  
as much land as Mr Edwards wanted  
to deed to T. J. Edwards.

15. Did not Thomas Edwards, on the line "up  
the hollow with J. H. Ely his land to the  
upper side of my ~~closed~~ land," want his  
father to extend said line further up and  
did not the old gentleman refuse to do it,  
saying that he would divide that land  
among his other children or words to  
that effect?

Ans. There was some talk between  
Thomas E. and his father <sup>along the line</sup> but  
I paid very little attention to it,  
and I am not certain what was  
said between them.

16. On the occasion and at the time you  
were preparing said deed and at the time  
of its execution, Did not Mr Edwards  
appear to fully understand what he was  
doing and how he wanted it done.

Ans. He seemed to me to be in about  
the same fix I had known him  
to be in for the last ~~time~~ <sup>years</sup> in  
years, and I thought his understanding  
was about as good as it had  
been for some time.

16. For the last five years has not



Mr Edwards attended to his business  
as well as he ever did before since you  
have shown.

Ans.  
Witness  
2 days 1.00

I believe he has.  
And further this deponent testifies that  
Oliver C. Joslyn

Virginia, Lee County, to wit:  
I, A. B. Munsey, a commissioner  
in chancery for the Circuit  
Court of Lee County, Virginia,  
do certify that the foregoing  
depositions of H. M. Miles, H. C.  
Joslyn, James D. Edwards, David  
Preston and W. P. Sprinkle, were  
duly taken, subscribed and  
sworn to before me  
at the time & place & for  
the purpose in the caption  
mentioned, Given under my  
hand this the 28th day of February 1875.

A. B. Munsey Comm in  
Chancery for the Circuit  
of Lee County, Va

James D Edwards  
vs Depositions  
Thomas J Edwards

Taken before me as  
Commissioner in they  
and filed this the 28<sup>th</sup>  
day of February 1895  
A B Munsey  
Clerk

Comm 14 hours @ .75 = \$10.75  
Witnesses 4.00  
H. McMillan Expert not given



This Deed made and entered into on this  
1st day of February 1895 by & between James  
D. Edwards of the first part and Thomas  
G. Edwards of the second part both of the  
County of Lee & State of Virginia: Witnesses,  
That for & in consideration of the natural  
love & affection that the party of the first  
part has for his son the party of the  
second part, as well as for one dollar  
in hand paid, the receipt of which is  
hereby acknowledged, the party of the first  
part doth hereby give, grant, bargain, sell  
deliver & convey, unto the said Thomas  
G. Edwards a certain tract or parcel  
of land lying and being in the County  
of Lee & State of Virginia, about 3 miles  
South from Jonesville and bounded as  
follows, to wit: Beginning on a Sycamore  
& Beech on the south bank of Powell's  
River a corner of J. W. M. Elips' land, thence  
South up the hollow with J. W. M. Elips' land  
to the upper side of my cleared land, to  
a stake, thence west so as to include  
the old Shshire house seat Orchard  
to a stake, thence north west on a  
line to Powell's River so as to make  
the boundary contain 90 acres to a  
stake on South bank of Powell's  
River, thence up said River to the  
Beginning. But the party of the first  
part hereby reserves to himself his life  
& interest in the land hereby conveyed.

To have & to hold the above mentioned  
Tract or parcel of land with all the  
Appurtenances unto the said Thomas  
G. Edwards & his heirs forever. And the  
party of the first part hereby warrants  
Generally the title to the land hereby  
conveyed against the claims of all  
persons whatsoever. Witness the following  
signature & seal, this the day & year  
first above written.

James D<sup>r</sup> Edwards  
wrote

Witness

H. M. Miles

Thos J. Ely

W. P. Sprinkle

Virginia Lee County, W. Va.:

I, Henry C. Jolly, a Justice of the  
Peace for the County aforesaid in the State  
of Virginia, do certify that James D  
Edwards, whose name is signed to  
the writing hereto annexed bearing date  
on 1<sup>st</sup> day of February 1895, has ack-  
nowledged the same before me in my  
County aforesaid. Given under my hand  
this 1<sup>st</sup> day of February 1895

Henry C. Jolly J.P.

Virginia Lee County, W. Va.:

In the office of the Clerk of said  
County, the 2<sup>nd</sup> day of February 1895  
this deed was presented & together with



the certificate thereto annexed admitted  
to record

Teste

S. W. F. Richmond clerk

A Copy

Teste S. W. F. Richmond Clerk

James D Edwards

Log Book

Thomas D Edwards

Ex - Dec

Book for 1891



The Commonwealth of Virginia,

To the Sheriff of the County of Lee, Greeting:

WE COMMAND YOU TO SUMMON

*H. C. Joslyn. H. M. Miles. W. P. Sprinkle. David Preston Cold. Preston*

*his wife and James D. Edwards Jr.*  
*a Justice of the peace for Law Office of A. L. Pridemore*  
to appear before the Judge of our Circuit Court of Lee County, at the court-house thereof on the *27th*

day of *Feb'y* 189*S*, to testify and the truth to say in behalf of *James D. Edwards*

\_\_\_\_\_ in a certain matter of controversy in our said Court,  
before the said Judge depending and undetermined between \_\_\_\_\_

and \_\_\_\_\_

*James D. Edwards* Plaintiff

*Thomas G. Edwards* Defendant :

And have then there this writ. Witness, A. B. MUNSEY, Clerk of our said Court, at the court-house,  
the *23rd* day of *Feb'y* 189*S*, and in the *11th* year of  
the Commonwealth.

*A. B. Munsey* Clerk.

James D Edwards

VS

SUBPÆNA  
FOR  
WITNESS.

Thomas G Edwards

Circuit Court, the 27th day of

Febry 1895

Executed by summons  
all of the within named  
except W. P. Sprinkle  
and David. Rector  
wife

C. C. Flanagan,  
S. L. C.



The Commonwealth of Virginia,

To the Sheriff of the County of Lee, Greeting:

WE COMMAND YOU TO SUMMON

*W. P. Sprinkle*

to appear before the <sup>Court</sup>~~Judge~~ of our Circuit Court of Lee County, at the <sup>office of the Clerk of the Circuit Court</sup>~~court-house thereof~~ on the *28th*  
day of *February* 189*5*, to testify and the truth to say in behalf of the *Plaintiff*

in a certain matter of controversy in our said Court,  
before the said Judge depending and undetermined between

*James D. Edwards* Plaintiff  
and

*Thomas G. Edwards* Defendant :

And have then there this writ. Witness, A. B. MUNSEY, Clerk of our said Court, at the court-house,  
the *28th* day of *February* 189*5*, and in the *11 9th* year of  
the Commonwealth.

*A. B. Munsey* Clerk.

James D. Edwards

VS

SUBPENA  
FOR  
WITNESS.

Thomas G. Edwards

Circuit Court, the 28<sup>th</sup> day of

Feb'y 1895.

Executed By  
Sumner W. P.  
Shrinkle this february  
16 28 1895  
C. C. Clark 646